

THE DAILY BEE.

E. ROSEWATER, Editor.

PUBLISHED EVERY MORNING.

TERMS OF SUBSCRIPTION.
Daily and Sunday, One Year.....\$10.00
Three months.....\$3.00
Six months.....\$5.00
Single Copies.....10c

OFFICES:
Main Office, Corner N. and 26th Streets.
City Office, 207 North 16th Street.
New York Office, 151 Broadway.
Washington Office, 515 Fourteenth Street.

CORRESPONDENCE.
All communications relating to news and editorial matters should be addressed to the Editor, The Bee, at the office.

BUSINESS LETTERS.
All business letters and remittances should be addressed to The Bee Publishing Company, Omaha, Nebraska, and should be made payable to the order of the company.

The Bee Publishing Company, Proprietors,
The Bee Bldg., Farnam and Seventeenth Streets.

SWORN STATEMENT OF CIRCULATION.
State of Nebraska, ss.
County of Douglas, ss.
I, George B. Tschuck, secretary of The Bee Publishing Company, do hereby certify that the actual circulation of The Daily Bee for the week ending Nov. 8, 1890, was as follows:
Sunday, Nov. 8.....25,105
Monday, Nov. 9.....30,049
Tuesday, Nov. 10.....31,072
Wednesday, Nov. 11.....31,072
Thursday, Nov. 12.....31,072
Friday, Nov. 13.....31,072
Saturday, Nov. 14.....31,072
Average.....28,059

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CONTESTING THE GOVERNORSHIP.

LINCOLN, Nov. 10.—To the Editor of THE BEE: Are you not mistaken as regards the mode of conducting a contest for state officers. Examine the Revised Statutes for 1889, chapter Elections, page 461.

INDEPENDENT.
THE BEE concedes that its conclusions as regards the method of conducting a contest for an executive officer before the legislature were erroneous. The mistake springs from the fact that there has never been such a contest in this state and the canvass of the returns for state officers always had been heretofore conducted by the legislature in the same manner as is the canvass of the electoral vote by the congress of the United States.

Our revised statutes do, however, make a broad distinction between the method of contesting the election of executive officers and that of legislative, judicial and county officers. Under our statutes the contest for executive officers is heard and determined by the legislature in joint convention, with the speaker of the house acting as presiding officer.

The preliminary steps to such contests are the same as those taken in contests for the election of members of the legislature or of judicial and county officers. The testimony in the contest over executive officers is transmitted to the secretary of state and through him to the speaker of the house, and by the speaker to the legislature, which by concurrent resolution resolves itself into a court to hear and determine the issue.

But we may as well call attention to the fact that this statute relating to the mode of canvassing the vote for executive officers is somewhat at variance with the constitution. Section four, article five, of the constitution, headed "Executive Department," reads as follows:

"The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the secretary of state, directed to the speaker of the house of representatives, who shall immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, who shall for that purpose assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the legislature shall by joint vote choose one of such persons for said office. Contested elections for all said offices shall be determined by both houses of the legislature by joint vote in such manner as may be prescribed by law."

Now the manifest and clear intent of the constitution is that the function of the legislature is ministerial first and judicial later on in case of a contest. The first joint convention is simply to hear the returns read, publish the same, (which means make them public) and declare the persons that receive the highest number of votes duly elected. If these returns are attacked on any ground of fraud or misconduct in any county or precinct, the legislature in joint convention, acting as a judicial body, is to investigate the charges and determine whether they offset the majority by which the candidate who has received the highest number of votes on the face of the returns had been declared elected.

It seems to us, however, that the canvass and publication of the returns and declaration of the result on each executive officer must precede any action the legislature may have to take in determining the claims of contestants. In other words every candidate who has received a majority or plurality of the votes cast for his office, on the face of the returns, certified to by the respective county clerks, must be declared elected and be given the opportunity to qualify for the discharge of the duties of his office. If, following such canvass, the legislature after due investigation reaches the conclusion that any contested executive officer was not rightfully entitled to his position, they have the privilege of so decreeing and unseating him.

DETERMINING THE PARTY POLICY.

The republican party has suffered a national defeat. It has three months more of absolute power in which to work out its plans. Party interest and patriotic duty alike demand that its press and its leaders give immediate attention to the matter of determining its present and future policy.

The prevailing democratic opinion appears to be that the republican party has been crushed beyond resurrection. It is even possible that some enthusiastic partisans think Grover Cleveland has been elected president and that Benjamin Harrison is about to resume the practice of the law in Indianapolis. On the other hand, every worthy republican opinion that has found expression is steadfast in the faith that the great policies of the party that has ruled in this country for the larger part of the time since 1861 will still be the choice of the people when they render a verdict on issues purely national. Many strange elements entered into the election of November 4. It is not fair to say that the result is due to universal distrust of republican measures. But it is fair to say that republican leaders must find and study the lessons of the returns, and that they must immediately determine the policies on which they will appeal to the country in 1892.

First of all, there is the tariff. The republican party is the historic supporter and defender of protection. Its rank and file are firm in the belief that the results of the protective policy have been beneficial and that the prosperity of the country is to be found in the continued maintenance of that policy. So far as the McKinley bill increases duties on goods which can be manufactured here and are not, so far as it retains the duty on goods already made here to the end that the difference between the cost of cheap labor in Europe and well-paid labor in America may be made up, and so far as it reduces or entirely removes the duties on goods that no longer need protection, the McKinley bill has the approval of the republican masses and a majority of the people of this country.

Englishmen believe the democratic victory is a verdict in favor of free trade. Grover Cleveland believes it is evidence

that the country regards the tariff as "iniquitous" and that the people want a tariff only high enough to provide a revenue for the expenses of the government economically administered. Republicans see no such lesson in the returns. They believe in protection for their own sake, wisely adjusted to the needs of our manifold industries and interests when considered in detail.

But those who are not tariff-mad see that there are mistakes in the McKinley law. They see that such necessities of life as lumber, coal and salt—the raw products of the earth—ought to be admitted free. There is no reason why we should protect the trees of the forest or the bowels of the earth against the competition of pauper nations in Europe. There is no reason why duties should be raised on cotton and woolen goods, which are already manufactured here extensively and very profitably. Such mistakes as these should be remedied by the present congress, for their unreasonableness is so palpable that they prejudice the people against the whole protective system.

There are other questions beside the tariff, but perhaps none on which the party is seriously divided.

The republican duty of the hour is to face the situation, rectify its recent blunders and firmly uphold the cardinal principles that have inspired its founders and placed it in control of national affairs for more than a quarter of a century.

A HOPEFUL VIEW OF FARMING.

Secretary Rusk reports that the farmers of the United States are in the enjoyment of a growing prosperity, a fact, it is to be feared, of which they were not all previously aware.

In his annual review of our agricultural interests he shows that the prices of all staples are now higher than a year ago. He admits that this is due in part to the difference in the size of the crops for the two years, but expresses the opinion that it is also due to recent tariff legislation. He calls attention to the increased duties on farm products and demonstrates by actual figures that the total amount of imports of this class have been quite large. The secretary undoubtedly has good reason to congratulate the farmers on the effects of the new tariff law. It is plain that its workings must be to their advantage so far as it affects them at all. It will increase the home market, help them to sustain prices and keep out whatever Canadian competition they have heretofore encountered. The increase of the duties on linen will also encourage the culture of flax by securing a better market and better prices.

Secretary Rusk does not forget to mention the sugar beet experiments in Nebraska. He speaks enthusiastically of the outlook for this industry. One interesting point in his report is the statement that the government has sent an agent abroad to consider the possibility of extending the market for Indian corn in the interest of the western corn growers. The report expresses satisfaction with the present and future aspects of farming conditions.

Jerry Rusk is an honest man and doubtless bases his hopeful view of the situation on reliable statistics. The fact remains, however, that seventy thousand farmers in Nebraska, one hundred and six thousand in Kansas and fifty-five thousand in Minnesota have just drawn out of Jerry Rusk's party and voted that they are not prosperous. It is to be hoped that the secretary's vision is clearer than theirs.

BALLOT REFORM.

The application of the new ballot reform laws in New York and New Jersey at the late election appears from the testimony of all sides to have worked very satisfactorily. Both laws are a modified form of the Australian system and are essentially similar. The adoption of the law in New York was accomplished after a struggle of several years, and the final enactment was a compromise, adopted by the republican legislature to overcome the objections of Governor Hill and the democrats generally. One of these objections was that its operation would be so slow as to deprive some people of an opportunity to vote, but the objection most insisted upon was that the law would in effect discriminate against the illiterate voters. Neither of these objections was sustained by experience, there having been no serious trouble with the working of the law in New York City, where the mass of voters is greater and the number of illiterate citizens larger than anywhere in the country. A large vote was polled there without any friction or difficulty that interfered with any one exercising the franchise, and strange as it may appear, what little trouble there was with the practical operation of balloting occurred not in the ranks of the ignorant, but among the educated class. This is explained by the fact that for some time before the election the politicians instructed the uneducated voters in evening classes all over the more thickly settled portions of the city.

There has thus been given another very distinct verdict favorable to the Australian system of ballot reform, modified so as to meet the peculiar requirements of our political system. The New York and New Jersey laws do not comprehend as much of the Australian plan as the Massachusetts law, and a careful comparison of the operation of the different laws may be in favor of the latter, but at any rate it is certain that the former laws are a great improvement upon the system of voting they superseded, and the general opinion is that they will stand, undergoing from time to time such changes as experience shall suggest to be necessary to render them more effective in securing a free and fair ballot.

This added evidence in favor of ballot reform will give a fresh impulse to the movement for its general adoption, which is only a matter of time. One by one the arguments against it have been overthrown by practical tests, until there no longer remains any argument of force to be said in opposition. Wherever tried the reform has given satisfaction and received the approval of the friends of honest elections of all parties. It is time that Nebraska had a ballot reform law, and the subject will undoubtedly receive consideration from the next legislature. The platform of the republican party declared in favor of such a law, and the members of that party in the legislature may be expected to give it their support. The alliance representatives are bound by a like pledge, and there is no reason to doubt that if such a law passed the legislature it would be approved by Governor-elect Boyd. Such a measure will require careful consideration, and the subject ought to be among the first to receive the attention of the legislature.

THE OMAHA DAILY BEE, TUESDAY, NOVEMBER 11, 1890.

ADMINISTRATIVE REVERIES.

Cincinnati Commercial Gazette.

The editorial review which has just occurred in the election of congressmen must have been in the prophetic mind of Mr. Blaine when he spoke in Philadelphia last Saturday and reminded his hearers that according to his belief from the time of John Quincy Adams to Abraham Lincoln, with one exception, every administration lost its second congress. The following summary of congressional elections between presidential years for the past fifty years is interesting in this connection.

1840—William H. Harrison, whig, elected president. Congress elected stood: Whigs, 181; democrats, 140.
1844—James K. Polk, democrat, elected president. Congress elected stood: Whigs, 79; democrats, 133. The congress elected in 1845 stood: Whigs, 118; democrats, 110. Congress elected in 1850 stood: Whigs, 85; democrats, 140.
1852—Franklin Pierce, democrat, elected president. Congress elected stood: Whigs, 71; democrats, 149. The congress elected in 1853 stood: Whigs, 108; democrats, 92. Congress elected in 1858 stood: Whigs, 114; democrats, 87.
1860—Abraham Lincoln, republican, elected president. Congress elected stood: Republicans, 106; democrats, 42; unionists, 42. The congress elected in 1863 stood: Republicans, 102; democrats, 73.
1864—Abraham Lincoln, republican, re-elected president. Congress elected stood: Republicans, 145; democrats, 40. The congress elected in 1866 stood: Republicans, 143; democrats, 40.
1868—Ulysses S. Grant, republican, elected president. Congress elected stood: Republicans, 193; democrats, 88. The congress elected in 1871 stood: Republicans, 188; democrats, 108. Congress elected in 1876 stood: Republicans, 193; democrats, 149.
1876—Rutherford B. Hayes, republican, elected president. Congress elected stood: Republicans, 149; democrats, 149. The congress elected in 1879 stood: Republicans, 131; democrats, 86.
1880—Ulysses S. Grant, republican, re-elected president. Congress elected stood: Republicans, 193; democrats, 88. The congress elected in 1883 stood: Republicans, 111; democrats, 108.
1884—Grover Cleveland, democrat, elected president. Congress elected stood: Republicans, 138; democrats, 182. The congress elected in 1886 stood: Republicans, 159; democrats, 109.

PETS ON A MAN-O-WAR.

The Affectionate Monkey and the Maternal Love of the Chameleon.
It is impossible for a landsman to imagine the amount of pleasure derived from pets on board of one of Uncle Sam's cruisers in foreign waters. The dog watches, when the Jackey is in want of new diversions in the monotony of shipboard life would be oppressive in the extreme were it not for the patience of Jack in fondling, caring for and training animals found in foreign climes where permission to visit the shore is granted the sailor.

While the writer was serving on the Brooklyn a few years ago a number of pets were gathered from all parts of Africa and Madagascar prior to and after the transit of Venus expedition of 1883. Captain Weaver had a fine collection of gray parrots from Madagascar, which he thought a great deal. One of the most promising met with a watery grave while imprisoned in his cage, due to the carelessness of a steward who attempted to clean the house. The beauty on the gangway, where he lost his hold on the cage, which fell and sank beneath the waves of the sea. The captain, in response to the number of excited attention and comment by calling "Come in" to the knock of the orderly on the door of the captain's cabin.

As time wore on the bird began to arrest the attention of officers and men by its command to strike "Right bells and call the band." It was given with an expressive emphasis of the first watch officer anxious for his relief, when at a late hour the captain's steward who had been in the kitchen, subsequently became very much attached to the bird, which learned to repeat whole sentences calculated to be especially gratifying to the captain's children in their play hours.

On the transit of the Venus expedition a great variety of pets was secured, among which a young guinea was the most conspicuous. This was a beautiful animal, its lustrous eyes were so expressive of gentleness that it seemed a pity to keep it in captivity. The bird was given to the writer, and it did become accustomed to its new surroundings. A young ostrich lived on the foredeck for some weeks, and as a rule all the young animals were kept in the hold, but in this case the bird was finally died, however, from undigested copper tacks.

On the Madagascar cruise the greatest variety of pets were collected. Among the most amusing and entertaining was a monkey named Mayjunga, after Molanga in Madagascar where it was first captured. It was very much of a monkey, but it was a very good natured and was secured by a heavy chain, notwithstanding which she was very much attached to the writer, and she was the favorite of the crew. On the transit of the Venus expedition a great variety of pets was secured, among which a young guinea was the most conspicuous. This was a beautiful animal, its lustrous eyes were so expressive of gentleness that it seemed a pity to keep it in captivity. The bird was given to the writer, and it did become accustomed to its new surroundings. A young ostrich lived on the foredeck for some weeks, and as a rule all the young animals were kept in the hold, but in this case the bird was finally died, however, from undigested copper tacks.

Another "Late Unpleasantness." St. Louis Globe-Democrat.
It was another "late unpleasantness."

Headed Toward the Bottom. Philadelphia Times.
The ocean races are gradually lowering the record. Possibly they will get to the bottom of it after awhile.

Pattison as a Probability. Kansas City Globe.
In naming Pattison as the next democratic candidate for president, Murat Halstead is pretty near the mark. His victory in Pennsylvania makes him a conspicuous figure among the probabilities rather than the possibilities.

Sights Better Left Unseen. Indianapolis News.
The heir to the Russian throne is about to make a tour to acquire such knowledge as the czar of all the Russias should possess. He is coming west to America. If he went towards the east he might stir Siberia and learn some things he would rather not know.

Lowell Citizen: "Ready for the fray"—a bundle of clothes booked for the laundry. Chicago Item—Ocean: Trivet—Miss Ophelia has a wonderful flow of language. Dicer—Yes, she speaks in liquid tones. Pittsburgh Chronicle: The design of the silver dollar is to be improved, but it is expected to be just as hard as ever to get the coin.

Binghamton Republican: A "youthful reader" wastes a 4-cent stamp to inform us that the best kind of paper to make kites of is fly paper. Philadelphia Press: Consistently obnoxious poets should share the emoluments with the undertaker, for they play a conspicuous part in the last sad rites.

America: Mrs. Middle—Well, Maud, how did you and Mabel enjoy the performance of "Hamlet?" Maud—Not very well, mamma. Mrs. Middle—Was the acting poor? Maud—O, I suppose the acting was well enough, but we forgot to take any caramels.

Boston Transcript: "Only think," said Maud, "they used to say that the drama was going to the dogs. Now the puppets seem to be going to the drama," and she swept with her eyes the rows of seats filled with turbulent immaturity. Norristown Herald: A medical journal says that a well, healthy man will suffer more from the prick of a pin than he will from the pain of dissolution in case he dies a natural death. Perhaps so; but he is more apt to recover from the prick of a pin.

Epoch: Independent Voter—Well, how is the campaign progressing? Practical Politician—Favorably, I think. We intend to bring this reign of fraud and corruption to an end. Our committee has obtained a fund of \$25,000 to be circulated among the doubtful voters of the day. This certainly must be a great boon to the people.

THE SUPREME COURT JUDGES.

The Question as to When the Number Shall Be Increased.

TWO STAGE STRUCK OMAHA GIRLS.

A Travelingman Runs Off With His Employer's Property—Mrs. Jones' Story—Other Capital City Gossip.

LINCOLN, Neb., Nov. 10.—[Special Telegram to THE BEE.]—Now that the amendment to the constitution increasing the number of supreme judges from three to five has been carried, the question is being asked when does the law go into effect. The legal fraternity say that when the legislature meets and is organized the speaker will submit the returns to a committee. This committee will report that the amendment has been carried. After the report is adopted the governor will be notified of the fact, and he by proclamation, issued inside of ten days, will declare that the amendment has become a law.

Then the question arises does the law go into effect at once, creating a vacancy of two judges in the supreme court, and if it does not, what shall be done concerning these vacancies before the next general election. Chief Justice Cobb of the supreme court was seen in regard to the matter and asked for his opinion. He declared that he was somewhat puzzled himself over the matter and did not show a disposition to commit himself. He finally expressed or rather intimated the opinion that the law went into effect at once and consequently created a vacancy of two judges.

When asked whether the governor had the power of appointing two judges to fill the vacancies created, Chief Justice Cobb replied: "There is no statute governing that point that I know of except the one to the effect that the governor shall have power to appoint persons at his discretion to fill any vacancies that may occur in the state offices. Still I believe that the legislature at one time passed a law that provided for the appointment of supreme judges by the governor in such an emergency as this. But this action would have no effect on any state existing law, and it gives the governor the power of appointment in such cases. The governor, I presume, will, in conjunction with the senate, choose some suitable persons to fill the vacancies that presently will exist. If no appointments are made they are liable to be made by one judge disagreeing with the other two. The three judges will barely constitute a majority of the five that are by law declared at that time to constitute the supreme court. So the question on the more matter of choosing a balliff on the refusal of one judge to concur will prevent such choice.

"This same question arose in Kentucky headquarters this morning. It was one of the most bitter and exciting fights ever known in the political history of the country."

WANTED TO BE ACTRESS.
A telephone message was received at police headquarters this morning stating that two girls who had run away from their homes in Omaha were at a leading hotel, and the police were requested to arrest and hold them until their parents could come and take them. Captain Carver went over to the hotel and found that two young girls named Fannie Brega and Katie Willis were occupying a room there. They acknowledged that they had come away from home without their parents' knowledge, and intended going to Denver to seek their fortune. They came to the city yesterday from Omaha with several Lincoln young men and were at the hotel the greater part of the day, and entertained a number of callers. In response to the words of